UNITED STATES PATENT AND TRADEMARK OFFICE

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10/011,023	11/02/2001	Laurent Scallie	AC-002-US	7571

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Group 3700

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/011,023
Filing Date: November 02, 2001
Appellant(s): SCALLIE, LAURENT

Mitchell S. Rosenfeld
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 27, 2006 appealing from the Office action

mailed July 27, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings

which will directly affect or be directly affected by or have a bearing on the Board's decision in

the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in

the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,335,809	Wain	6-1982
5,984,786	Ehrman	11-1999

6,431,983   Acres   8-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 16 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Wain (U.S.

4,335,809).

Wain discloses a system and method for both gaming and non-gaming amusement

machines (satellite computers) linked via a communications network to a main control device

(mission control), wherein the gaming and non-gaming amusement machines can be controlled

independently or collectively to play one of a plurality of games by the main control device

(mission control). Wain additionally discloses:

Regarding Claim 16:

- providing a mission control computer (**30**) which operates administrative programs

  for performing administrative functions for multiple game playing satellite computers

  on a network (Figure 1);

- providing a plurality of game playing satellite computers (**22**) connected to the

  network, each of which maintains a plurality of game programs and game specific

command sets for controlling the play of respective ones of said plurality of game

programs (Figure 1 and Column 6, lines 33-37);

- storing in each game specific command set of a satellite computer at least a game

    specific start signal for starting a respective game program on the satellite computer

    (Figure 1, Column 3, lines 17-29, and Claim 1);

- issuing a generic game start signal from the mission control computer to a satellite

    computer which is indexed to the game specific start signal of the game specific

    command set for a respective game program on the satellite computer in order to

    cause the game specific command set to be issued by the satellite computer for

    starting the game program (Column 3, line 17-29 and Claim 1);

- enabling the game program once started to be played on the satellite computer by

    local game specific command inputs of a game player to the satellite computer,

    (Abstract, Column 2, line 57-Column 4, line 3, Column 7, lines 13-23 and 37-45)

- whereby generic command signals can be issued by the mission control computer to

    control the administration of game programs played on any of the satellite computers,

    while enabling local game specific command inputs to be used by a game player to

    control playing of a game program on the satellite computer (Abstract, Column 2, line

    57-Column 4, line 3, Column 7, lines 13-23 and 37-45).

Regarding Claim 21:

- a plurality of mission control computers are maintained at respective mission control

    sites and are connected via a network to a network server that provides an online

interface to the mission control computers for remote access by players (Figure 1,

Column 3, lines 17-29, and Claim 1).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 18, 19, 22, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wain (U.S. 4,335,809) in view of Ehrman (U.S. 5,984,786).

Wain discloses discloses that as discussed above regarding claims 16 and 21.

Wain additionally discloses:

Regarding Claim 25:

- issuing a generic game stop signal from the mission control computer to the satellite

    computer which is indexed to the game specific stop signal of the game specific

    command set for a respective game program on the satellite computer in order to

    cause the game specific command set to be issued by the satellite computer for

    stopping the game program (Column 3, line 17-29 and Claim 1)

Although Wain discloses game program information is stored in memory, Wain seems to

lack explicitly disclosing:

Regarding Claim 18:

- providing each satellite computer with a local control program and a database of

    game-specific command sets for each of the game programs offered on the

satellite computer, such that when a generic game start signal is issued by the mission control computer to the satellite computer, the local program of the satellite computer loads the corresponding game specific command set from its database to operate the game program.

Regarding Claim 19:

- wherein each game specific command set contains game specific control codes derived by analyzing each game program and determining the configuration for at least the game specific start signal for the given game program.

Regarding Claim 22:

- wherein said online interface of said network server allows players to perform one or more activities of the group consisting of: looking up statistics for game programs they have played; seeing the status of game programs being played by other players; seeing statistics for comparison to game programs played at other mission control sites; downloading statistics for their own later use; maintaining their accounts; joining or maintaining their status with a group of players; and communicating with other players.

Regarding Claim 24:

- the game specific control codes for the game specific command set for a game program are configured based upon one of the groups of game command architecture types consisting of: keystrokes; http commands; TCP/IP commands; writing files; control API's; and serial communications protocols.

Ehrman teaches of a run-time environment for multi-player, networked games which can be used to run many different types of games. The game model includes a database which stores the objects and their properties as well as the rules of the specific game, where the rules are to be executed on the objects and their properties. Ehrman and Wain are analogous art because both relate to gaming machines connected to a host computer via a network. Furthermore, Ehrman teaches:

Regarding Claim 18:

- providing each satellite computer with a local control program and a database of game-specific command sets for each of the game programs offered on the satellite computer, such that when a generic game start signal is issued by the mission control computer to the satellite computer, the local program of the satellite computer loads the corresponding game specific command set from its database to operate the game program (Abstract, Figures 1, 3A, 3B, and Column 1, line 56-Column 2, line 54).

Regarding Claim 19:

- wherein each game specific command set contains game specific control codes derived by analyzing each game program and determining the configuration for at least the game specific start signal for the given game program (Abstract, Figures 1, 3A, 3B, and Column 1, line 56-Column 2, line 54).

Regarding Claim 22:

- wherein said online interface of said network server allows players to perform one or more activities of the group consisting of: looking up statistics for game

> programs they have played; seeing the status of game programs being played by
> other players; seeing statistics for comparison to game programs played at other
> mission control sites; downloading statistics for their own later use; maintaining
> their accounts; joining or maintaining their status with a group of players; and
> communicating with other players (Column 7, line 64-Column 8, line 34).

Regarding Claim 24:

- the game specific control codes for the game specific command set for a game
  program are configured based upon one of the groups of game command
  architecture types consisting of: keystrokes; http commands; TCP/IP commands;
  writing files; control API's; and serial communications protocols (Abstract,
  Figures 1, 3A, 3B, Column 1, line 56-Column 2, line 54, and Column 31, line 9-
  Column 32, line 48).

It would have been obvious to one having ordinary skill in the art, at the time of the
Appellant's invention, to incorporate the database features of Ehrman in Wain. One would be
motivated to do so because this allows for a master set of rules and graphics, etc. to be stored in a
database residing on a host computer and automatically updating player's gaming machines
when a particular game is selected to be played via a network connection.

5.   Claims 17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wain
(U.S. 4,335,809) in view of Acres (U.S. 6,431,983).

Wain discloses discloses that as discussed above regarding claims 16 and 21. Wain
seems to lack explicitly disclosing:

Regarding Claim 17:

- generating with the playing of each game program on a satellite computer one or more of the following sources of information tracking the operation of the game program and parsing the source of information for desired status information and providing it to the mission control computer: game log files; dialog boxes or windows opened by the game program; messages from the Notification API; and a method used by the game program for external communications.

Regarding Claim 23:

- each satellite computer generates a log file for tracking the operation of a game program, and parses the log file for predetermined keywords indicative of desired status information and provides the status information to the mission control computer.

Acres teaches of a method and system for providing an incentive to play gaming devices connected by a network to a host computer. The system additionally tracks player activity via a smart card inserted by the player into the gaming machines. Acres and Wain are analogous art because each relates to gaming machines connected to a host computer via a network. Acres teaches:

Regarding Claim 17:

- generating with the playing of each game program on a satellite computer one or more of the following sources of information tracking the operation of the game program and parsing the source of information for desired status information and providing it to the mission control computer: game log files; dialog boxes or windows opened by the game program; messages from the Notification API; and

a method used by the game program for external communications (Column 31,

line 9-Column 32, line 48).

Regarding Claim 23:

- each satellite computer generates a log file for tracking the operation of a game

    program, and parses the log file for predetermined keywords indicative of desired

    status information and provides the status information to the mission control

    computer (Column 31, line 9-Column 32, line 48).

It would have been obvious to one having ordinary skill in the art, at the time of the

Appellant's invention, to incorporate the log file tracking features of Acres in Wain. One would

be motivated to do so because this would enhance Wain's system to operate administrative

programs, such as scheduling the transfer of new game or programming information, in an

efficient manner.

6.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wain (U.S.

4,335,809) in view of Acres (U.S. 6,431,983) and further in view of Ehrman (U.S. 5,984,786).

Wain in view of Acres teaches that as discussed above regarding claims 17 and 23. Wain

in view of Acres seems to lack explicitly teaching:

Regarding Claim 20:

- wherein said mission control program maintains a database of game data based upon

    information provided by the satellite game playing computers, and generates one or

    more administrative reports from the group consisting of: system-wide gaming

    reports; membership and player statistics; detailed statistics on specific games

played by specific players; current status of the system, hardware, and software

troubleshooting.

Ehrman teaches of a run-time environment for multi-player, networked games which can

be used to run many different types of games. The game model includes a database which stores

the objects and their properties as well as the rules of the specific game, where the rules are to be

executed on the objects and their properties. Ehrman, Acres, and Wain are analogous art because

each relate to gaming machines connected to a host computer via a network. Furthermore,

Ehrman teaches:

Regarding Claim 20:

- wherein said mission control program maintains a database of game data based upon

    information provided by the satellite game playing computers, and generates one or

    more administrative reports from the group consisting of: system-wide gaming

    reports; membership and player statistics; detailed statistics on specific games

    played by specific players; current status of the system, hardware, and software

    troubleshooting. (Column 7, line 64-Column 8, line 10, and Column 8, lines 22-34).

It would have been obvious to one having ordinary skill in the art, at the time of the

Appellant's invention, to incorporate the database features of Ehrman in Wain in view of Acres.

One would be motivated to do so because this allows for a master set of rules and graphics, etc.

to be stored in a database residing on a host computer and automatically updating player's

gaming machines when a particular game is selected to be played via a network connection.

(10) Response to Argument

Regarding the rejection to Claims 16 and 21 under 35 U.S.C. 102(b) as being

anticipated by Wain (U.S. 4,335,809).

Appellant alleges Wain does not disclose, "storing in each game-specific command set of

a satellite computer at least a game-specific start signal and a game-specific stop signal for

starting and stopping a respective game program, respectively, on the satellite computer." The

Examiner respectfully disagrees. Regarding Wain, Appellant alleges "the control" taught by

Wain must [be] viewed in the context of transmitting and writing different software into the

RAM 18 of each entertainment machine 1." Appellant additionally alleges, "Nowhere does

Wain teach that main control device 30 control the actual "play" of the games in real-time (i.e.

controlling the start and stop of game play). The examiner respectfully disagrees. Appellant

admits "the control" taught by Wain must [be] viewed in the context of transmitting and writing

different software into the RAM 18 of each entertainment machine 1." The examiner asserts

Wain's main control device 30 controls the actual play of the game by virtue of the game

program being "fed" to the entertainment machine(s) 1. This game programming information

must be resident on RAM 18 in order for the game to execute (start/stop). The examiner

reasonably interprets the "generic game start" limitation to be read on by this feature as

described in Wain.

Appellant alleges Wain fails to provide any teachings to the "command sets" that must be

resident in the entertainment machines. The examiner asserts the "command sets" must be

resident on the entertainment machine(s) in order to play the game, otherwise, the game could

not operate on entertainment machine(s) 1. Appellant further alleges "Wain does not distinguish

between generic and game specific command sets." The examiner respectfully disagrees. In addition to the discussion above, Wain further distinguishes between generic and game specific command sets at least by an actuation of the entertainment machine by insertion of one or more coins or tokens into a coin mechanism of the machine (generic start) and initiating performance by activating the entertainment device (e.g. slot machine handle) to play a game (specific start). For the reasons discussed hereinabove, the Examiner believes the rejection should be sustained.

__Regarding the rejection to Claims 18, 19, 22, 24, and 25 under 35 U.S.C. 103(a) as being unpatentable over Wain (U.S. 4,335,809) in view of Ehrman (U.S. 5,984,786).__

In addition to the Examiner's rationale provided in the rejection above, Applicant's arguments fail because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. For the reasons discussed hereinabove, the Examiner believes the rejection should be sustained.

__Regarding the rejection to Claims 17 and 23 under 35 U.S.C. 103(a) as being unpatentable over Wain (U.S. 4,335,809) in view of Acres (U.S. 6,431,983).__

Appellant admits Acres teaches parsing of messages at steps 484-486 based on a command code; however, Appellant alleges Acres does not teach parsing a log file for predetermined keywords. The Examiner respectfully disagrees. First, Appellant has misrepresented that the parsing of the message is based upon a command code only. Second, the message includes a command code which indicates the type of message that is parsed (Column 9, lines 66-67). Third, messages contain words and the command code may be words, which would

equate the "keyword" with "command code." For the reasons discussed hereinabove, the

Examiner believes the rejection should be sustained.

Regarding the rejection to Claim 20 under 35 U.S.C. 103(a) as being unpatentable over

Wain (U.S. 4,335,809) in view of Acres (U.S. 6,431,983) and further in view of Ehrman (U.S.

5,984,786).

Appellant alleges Erhman does not teach generating administrative reports as claimed.

The Examiner respectfully disagrees. The Examiner notes, this is the first time Appellant has

raised this argument in prosecuting the application, therefore, Appellant has acquiesced to the

rejection. Furthermore, the citation provided by Examiner does not merely teach only an Internet

Relay Chat (IRC), rather, the citation is directed to a player sending a message to the client run-

time environment (22) which then sends the message to another player. The message may state

that Player 1 has declared war on Player 2 (Column 7, line 64-Column 8, line 10, and Column 8,

lines 22-34). This particular citation, at a minimum, teaches of an administrative report

(message from the client run-time environment from Player 1 to Player 2) consisting of a system-

wide gaming report, membership and player statistics, or the current status of the system (the

gaming system). For the reasons discussed hereinabove, the Examiner believes the rejection

should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Scott Jones

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Primary Examiner

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